

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

MAIL STOP PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement (“IDS”) are brought to the attention of the Office. The items are listed on the attached form PTO-1449. Copies of cited references are not enclosed as they were cited in parent application serial no. 10/032,018.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
37 CFR §1.10

Date: August 19, 2003

Express Mailing Label No.: EV 339738444 US

I hereby certify that on the date listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage in an envelope addressed to: Mail Stop Patent Application, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lynne Fulmer
Lynne Fulmer

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

The fee due under 37 CFR § 1.17(p) is submitted herewith.

A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

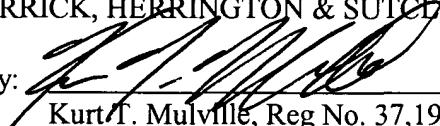
No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

A check in the amount of _____ is enclosed for the above fee(s).
 Please charge _____ to Deposit Account No. **150665** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **150665**.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: 
Kurt T. Mulville, Reg No. 37,194

Dated: August 19, 2003

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LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.
703714.4012SERIAL NO.
Not yet assigned

APPLICANT:

Robert B. Carter, III, et al.

FILING DATE:

Herewith (August 19, 2003)

GROUP:

Not yet assigned

U.S. PATENT DOCUMENTS

EXAMINE R INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	1.	Des. 321,159	10/29/1991	Schlachter			
	2.	Des. 420,969	2/22/2000	Schlachter			
	3.	4,938,519	7/2/1990	Schlachter			
	4.	5,016,932	5/21/1991	Carter			
	5.	5,324,089	7/28/1994	Schlachter			
	6.	5,498,049	3/12/1996	Schlachter			
	7.	5,564,768	10/15/1996	Saffold			
	8.	5,564,776	10/15/1996	Schlachter			
	9.	5,598,962	2/4/1997	Schlachter			
	10.	5,992,719	11/30/1999	Carter, III			
	11.	6,059,341	5/9/2000	Jensen, et al.			
	12.	6,059,159	5/9/2000	Fisher			
	13.	6,065,794	5/23/2000	Schlachter			
	14.	6,082,804	7/4/2000	Schlachter			
	15.	6,113,179	9/5/2000	Szigeti			
	16.	US 6,170,724 B1	1/9/2001	Carter, et al.			
	17.	US 6,174,012 B1	1/16/2001	Saffold			

FOREIGN PATENT DOCUMENTS

EXAMINE R INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATIO YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

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DOCSOC1:141177.1

703714-1 K2MEXAMINER:

Not yet assigned

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant